

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KERRY BERNARD MCNABB,

Plaintiff,

Case No. 1:10cv459

v.

Hon. Robert J. Jonker

TIMONTY KIPP, et al.,

Defendants.

ORDER AND JUDGMENT

APPROVING REPORT AND RECOMMENDATION

The court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action. The Report and Recommendation was duly served on the parties on February 10, 2011. No objections have been filed pursuant to 28 U.S.C. § 636(b)(1)(C).

THEREFORE, IT IS ORDERED that the Report and Recommendation of the Magistrate Judge, filed February 10, 2011, is approved and adopted as the opinion of the court.

IT IS FURTHER ORDERED that Defendants' Motion to Dismiss Count III, Count VI and the "official capacity" claims against Defendants (docket #33) is **GRANTED**.

/s/ Robert J. Jonker

ROBERT J. JONKER
UNITED STATES DISTRICT JUDGE

DATED: March 4, 2011.